IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 8768 of 2003

Between:

1. The Superintending Engineer, NSLC,(O&M)Circle, Tekulapally, Khammam District.

2. The Secretary, Irrigation Department,Government of A.P., Secretariat, Hyderabad.

3. The Assistant Pay and Accounts Officer,Tekulapally, Khammam District.

..... PETITIONERS

AND

1. S.Chandramouli, O/o.The Executive Engineer,
   NSC O&M Division,
   Tekulapally, Khammam District.
2. D.Bikshamaiah, O/o.Nagarjunasagar Canals,
   Monotoring Division, Tekulapally,
   Khammam District.
3. S.Harinath, Electrician, O/o.Nagarjunasagar Canals
   Monotoring Division, Tekulapally,
   Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature writ of “Certiorari” calling for the records relating to the order passed in O.A.No.4206/1992, dated 4-2-2003 on the file of Hon’ble A.P.Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary and pass such other order or orders as deemed fit and proper in the circumstances of the case.

For the Petitioners: G.P for Services-II

For the Respondents No.: G.P for Irrigation and Command Area Development

The Court Made the Following:

ORDER:(Per G. Bikshapathy,J)

This writ petition is filed challenging the order passed by the A.P.Administrative Tribunal in O.A.No.4206 of 1992, dated 4-2-2003.

2. The unofficial respondents filed O.A referred to above challenging the proceedings No.AB/A4/850/M, dated 23-5-1992 and sought for pay scales of Rs.1010-1800 with all arrears. The Tribunal after considering the matter, allowed the O.A, on the ground that the Government itself issued in G.O.Ms.No.288, dated 17-11-1986, wherein the persons possessing I.T.I Electrician qualification were directed to be granted the pay scale of Rs.1010-1800/-. It is also on record, that the petitioners did possess the said qualification and therefore the Tribunal allowed the O.A, and directed the respondents to consider the case of respondents herein for giving the scale of pay on par with similarly situated persons working in other departments other than Irrigation Department. The said order is assailed in this Writ Petition.

3. The learned Government Pleader for Services-II submits that the order of the Tribunal is not sustainable in law, in as much as the petitioners are not entitled for pay scale and fixing of scales is prerogative of Government.

4. We are afraid, we cannot accept the above contention. The Government itself issued G.O.Ms.No.288, dated 17-11-1986 to the effect that the persons qualified should be granted pay scale of Rs.1010-1800/-.

5. After going through the order of the Tribunal, we are of the considered view that the respondents are entitled for the pay scale of

1010-1800/-. We find no merits in this Writ Petition.

6. Accordingly, the Writ Petition is dismissed. No costs.

ASSISTANT REGISTRAR

21ST JUNE, 2004.

mrb

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